

Senate Study Bill 1046 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to the duties and authority of the state
2 board of education and the department of education, to the
3 programs and activities under the purview of the state board
4 and the department, and providing for properly related
5 matters affecting school districts.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 15, Code 2015, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and
4 59, Code 2015, are amended by striking the subsections.

5 Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2015,
6 is amended by striking the paragraph.

7 Sec. 4. Section 257.14, Code 2015, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **257.14 Budget adjustment.**

10 1. For the budget year commencing July 1, 2013, and
11 succeeding budget years, a district shall be eligible for a
12 budget adjustment in an amount equal to the difference between
13 the regular program district cost for the budget year and one
14 hundred one percent of the regular program district cost for
15 the base year.

16 2. The board of directors of a school district that wishes
17 to receive a budget adjustment pursuant to this subsection
18 shall adopt by May 15, annually, a resolution to receive the
19 budget adjustment and shall notify the department of management
20 of the adoption of the resolution and the amount of the budget
21 adjustment to be received.

22 Sec. 5. Section 282.8, Code 2015, is amended to read as
23 follows:

24 **282.8 Attending school outside state.**

25 1. The boards of directors of school districts located
26 near the state boundaries may designate schools of equivalent
27 standing across the state line for attendance of both
28 elementary and ~~high~~ secondary school pupils when the public
29 school in the adjoining state is nearer than any appropriate
30 public school in a pupil's district of residence or in Iowa.
31 Distance shall be measured by the nearest traveled public
32 road. Arrangements shall be subject to reciprocal agreements
33 made between the chief state school officers of the respective
34 states. Notwithstanding section 282.1, arrangements between
35 districts pursuant to the reciprocal agreements made under

1 this section shall establish tuition and transportation
2 fees in an amount acceptable to the affected boards, but the
3 ~~tuition and transportation fees~~ fee established shall not be
4 less than the lower ~~average cost per pupil~~ of the tuition
5 fee established pursuant to section 282.24 for the school
6 district or the equivalent tuition rate for the non-Iowa school
7 district for the previous school year, and the transportation
8 fee established shall not be less than the lower average
9 transportation cost per mile for yellow school buses as
10 described in section 321.373 for the previous school year
11 ~~of the two affected school districts. For the purpose of~~
12 ~~this section average cost per pupil for the previous school~~
13 ~~year is determined by dividing the district's operating~~
14 ~~expenditures for the previous school year by the number of~~
15 ~~children enrolled in the district in the previous school year~~
16 ~~on the date specified in section 257.6, subsection 1. If the~~
17 tuition fee for the school district in the adjoining state is a
18 variable rate, the test of which tuition fee is lower shall be
19 determined for each student.

20 2. A person attending school in another state pursuant
21 to this section shall continue to be treated as a pupil of
22 the district of residence in the apportionment of the current
23 school fund and the payment of state aid for state school
24 foundation aid purposes under section 257.6.

25 3. Notwithstanding the tuition provisions of subsection
26 1, the tuition fee established for a child requiring special
27 education shall be equal to the actual cost of the special
28 education instructional program provided to that child under
29 the child's individualized education program.

30 4. If the chief state school officers of the respective
31 states have not entered into a reciprocal agreement under
32 section 282.7, subsection 3, or the agreement has expired
33 or been terminated, or the distance to the public school in
34 the adjoining state is not nearer than an appropriate public
35 school in the pupil's district of residence or an appropriate

1 public school in Iowa, the pupil attending school outside the
2 state shall not be considered a resident child for purposes
3 of tuition payments to the receiving district and shall not
4 be treated as a pupil of the district of residence for state
5 school foundation aid purposes under section 257.6.

6 5. The whole grade sharing provisions of sections 282.10
7 through 282.12 and the open enrollment provisions of section
8 282.18 shall not apply to agreements made between districts
9 under this section.

10 Sec. 6. Section 282.10, subsection 4, Code 2015, is amended
11 to read as follows:

12 4. A whole grade sharing agreement shall be signed by the
13 boards of the districts involved in the agreement not later
14 than February 1 of the school year preceding the school year
15 for which the agreement is to take effect. The boards of
16 the districts shall negotiate as part of the new or existing
17 agreement the disposition of funding provided under chapter 284
18 except for the following:

19 a. Funding for the beginning teacher mentoring and induction
20 programs pursuant to section 284.13, subsection 1, paragraph
21 "b".

22 b. The teacher leadership supplement state cost per pupil as
23 provided in section 257.9, unless all of the districts subject
24 to the agreement are receiving such funding.

25 c. Teacher leadership supplemental aid payments as provided
26 in section 284.13, subsection 1, paragraph "e", unless all
27 of the districts subject to the agreement are receiving such
28 payments. This paragraph "c" is repealed June 30, 2018.

29 Sec. 7. Section 282.12, subsection 4, Code 2015, is amended
30 to read as follows:

31 4. The number of pupils participating in a whole grade
32 sharing agreement shall be determined on the date specified in
33 section 257.6, subsection 1, and on the ~~third~~ second Friday of
34 ~~February~~ January of each year.

35 Sec. 8. Section 282.18, subsection 7, Code 2015, is amended

1 to read as follows:

2 7. A pupil participating in open enrollment shall be
3 counted, for state school foundation aid purposes, in the
4 pupil's district of residence. A pupil's residence, for
5 purposes of this section, means a residence under section
6 282.1. The board of directors of the district of residence
7 shall pay to the receiving district the sum of the state cost
8 per pupil for the previous school year, and plus the teacher
9 leadership supplement state cost per pupil for the previous
10 fiscal year as provided in section 257.9, or the teacher
11 leadership supplement foundation aid for the previous fiscal
12 year as provided in section 284.13, subsection 1, paragraph "e",
13 if both the district of residence and the receiving district
14 are receiving such supplements, plus any moneys received for
15 the pupil as a result of the non-English speaking weighting
16 under section 280.4, subsection 3, for the previous school
17 year multiplied by the state cost per pupil for the previous
18 year. If the pupil participating in open enrollment is also
19 an eligible pupil under section 261E.6, the receiving district
20 shall pay the tuition reimbursement amount to an eligible
21 postsecondary institution as provided in section 261E.7.

22 Sec. 9. Section 282.18, subsection 9, paragraph c, Code
23 2015, is amended to read as follows:

24 c. Quarterly payments On or before February 15 and July 15
25 of each year, the receiving district shall bill the resident
26 district. Payments shall be made by the district of residence
27 to the receiving district in a timely manner.

28 Sec. 10. Section 284.12, Code 2015, is amended to read as
29 follows:

30 **284.12 Reports — rules Rules.**

31 ~~1. The department shall annually report the statewide~~
32 ~~progress on the following:~~

33 ~~a. Student achievement scores in mathematics and reading at~~
34 ~~the fourth and eighth grade levels on a district-by-district~~
35 ~~basis as reported to the local communities pursuant to section~~

1 ~~256.7, subsection 21, paragraph "c".~~

2 ~~b. Evaluator training program.~~

3 ~~c. Changes and improvements in the evaluation of teachers~~
4 ~~under the Iowa teaching standards.~~

5 ~~2. The report shall be made available to the chairpersons~~
6 ~~and ranking members of the senate and house committees on~~
7 ~~education, the deans of the colleges of education at approved~~
8 ~~practitioner preparation institutions in this state, the~~
9 ~~state board, the governor, and school districts by January 1.~~
10 ~~School districts shall provide information as required by the~~
11 ~~department for the compilation of the report and for accounting~~
12 ~~and auditing purposes.~~

13 ~~3. In developing administrative rules for consideration by~~
14 ~~the state board, the department shall consult with stakeholders~~
15 ~~who might reasonably be affected by the proposed rule,~~
16 ~~including persons representing teachers, administrators, school~~
17 ~~boards, approved practitioner preparation institutions, and~~
18 ~~other appropriate education stakeholders.~~

19 Sec. 11. Section 282.24, subsection 1, paragraph a, Code
20 2015, is amended to read as follows:

21 a. The maximum tuition fee that may be charged for
22 elementary and ~~high~~ secondary school students residing
23 within another school district or corporation except students
24 attending school in another district under section 282.7,
25 subsection 1 or 3, is the district cost per pupil of the
26 receiving district as computed in section 257.10.

27 Sec. 12. Section 282.24, subsection 2, Code 2015, is amended
28 by striking the subsection.

29 Sec. 13. REPEAL. Sections 256.19, 279.38A, 279.55, 279.56,
30 and 279.57, Code 2015, are repealed.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill makes statutory changes affecting the duties and
35 authority of the state board of education and the department of

1 education, repeals certain programs, and modifies or eliminates
2 provisions relating to certain programs and activities under
3 the purview of the state board and the department.

4 CERTAIN DIRECTOR'S DUTIES STRICKEN. The bill strikes from
5 Code section 256.9, which provides for the duties of the
6 director of the department of education, provisions which
7 require the director to cause to be printed in book form, every
8 four years, all school laws in force and any amendments or
9 changes in school laws, along with other information which may
10 aid school officers; to develop a model written publications
11 code for the regulation of time, place, and manner of student
12 expression; and to submit to the general assembly an annual
13 report regarding the activities, findings, and student progress
14 under the core curriculum, as well as an annual report on the
15 necessity of waiving statutory obligations for school districts
16 in the event of a disaster.

17 BUDGET GUARANTEE LANGUAGE. The bill amends Code section
18 257.14 to strike obsolete language relating to the budget
19 guarantee.

20 ATTENDING SCHOOL OUTSIDE THE STATE. The bill makes a number
21 of changes to Code section 282.8. The Code section authorizes
22 the boards of directors of school districts located near the
23 state boundaries to designate schools of equivalent standing
24 across the state line for attendance of pupils, to establish
25 reciprocal agreements between such districts, and to establish
26 tuition and transportation fees in an amount acceptable to the
27 affected boards.

28 Currently, Code section 282.8 provides that tuition and
29 transportation fees shall not be less than the lower average
30 cost per pupil for the previous school year of the two
31 affected school districts. The bill amends the provision to
32 establish that the tuition fee for students not requiring
33 special education shall not be less than the lower of the
34 tuition fee established pursuant to Code section 282.24 for
35 students attending school outside the district of residence or

1 the equivalent tuition rate for the non-Iowa school district
2 for the previous school year, and the transportation fee
3 established shall not be less than the lower average cost per
4 mile for yellow school buses for the previous school year of
5 the two affected school districts. The bill also provides that
6 if the tuition fee for the school district in the adjoining
7 state is a variable rate, the test of which tuition fee is
8 lower shall be determined for each student. For students
9 requiring special education, the bill provides that the tuition
10 fee shall be equal to the actual cost of the special education
11 instructional program provided to that child under the child's
12 individualized education program.

13 If there is no agreement between districts, or if the
14 distance requirements are not met, the bill provides that the
15 tuition limitations of Code section 282.1 shall not apply,
16 and a student attending school in the other state shall not
17 be treated as a pupil of the district of residence in Iowa
18 for purposes of tuition payments to the receiving district
19 or for purposes of the school aid formula. The bill further
20 establishes that an agreement reached under Code section 282.8
21 does not qualify as a whole grade sharing agreement and the
22 open enrollment provisions do not apply to such an agreement.

23 **WHOLE GRADE SHARING AGREEMENTS.** Whole grade sharing
24 is a procedure used by school districts in which all or a
25 substantial portion of the pupils in any grade in two or
26 more school districts share an educational program for all
27 or a substantial portion of a school day under a written
28 agreement. Currently, the boards of the school districts
29 participating in the agreement must negotiate, as part of
30 the new or existing agreement, the disposition of funding
31 provided under Code chapter 284, the student achievement and
32 teacher quality program. The bill provides exemptions from
33 the disposition negotiation requirement relating to beginning
34 teacher mentoring and induction funds; the teacher leadership
35 supplement state cost per pupil, unless all of the districts

1 subject to the agreement are receiving such funding; and the
2 teacher leadership supplemental aid payments, unless all
3 districts subject to the agreement are receiving such funding.
4 Because the funding for the teacher leadership supplemental aid
5 payments is scheduled to end with the 2016-2017 fiscal year,
6 the bill repeals the relevant provision June 30, 2018.

7 The bill also changes, from the third Friday of February to
8 the second Friday of January of each year, the second of two
9 dates used to determine the number of pupils participating in a
10 whole grade sharing agreement.

11 OPEN ENROLLMENT PAYMENTS. In addition to other statutory
12 requirements for open enrollment payments, the bill provides
13 that the board of directors of the district of residence
14 must pay to the receiving district the teacher leadership
15 supplement state cost per pupil for the previous fiscal year
16 or the teacher leadership supplement foundation aid for the
17 previous fiscal year if both the district of residence and the
18 receiving district are receiving such supplements. Such a
19 limitation currently exists in Code section 284.13, subsection
20 1, paragraph "e", regarding the teacher leadership supplement
21 foundation aid. Currently, the district of residence must pay
22 to the receiving district the teacher leadership supplement
23 state cost per pupil for the previous fiscal year whether
24 or not both districts are receiving the teacher leadership
25 supplement state cost per pupil.

26 Currently, a district of residence must make quarterly
27 payments to the receiving district. Under the bill, the
28 receiving district must bill the district of residence
29 biannually, and the district of residence must make payments
30 in a timely manner.

31 STATEWIDE PROGRESS REPORTS. Currently, the department of
32 education must make an annual report to the general assembly
33 on statewide progress in student achievement on mathematics
34 and reading at the fourth and eighth grades, on the evaluator
35 training program, and on changes and improvements in teacher

1 evaluations. The bill eliminates that reporting requirement.

2 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM. Currently,
3 in developing administrative rules for consideration by the
4 state board of education, the department must consult with
5 persons representing teachers, administrators, school boards,
6 approved practitioner preparation institutions, and other
7 appropriate education stakeholders. The bill provides that the
8 department must consult stakeholders when those stakeholders
9 might reasonably be affected by the proposed rule.

10 TERMINOLOGY CHANGES. Code sections 282.8 and 282.24 are
11 amended to replace references to "elementary and high school"
12 with the term "elementary and secondary school". Definitions
13 for junior high school and high school are also stricken from
14 Code section 282.24.

15 REPEALS. The bill repeals the following:

16 1. TEACHER EXCHANGE PROGRAM. The teacher exchange program
17 was enacted in 1991, contingent on an appropriation of moneys
18 by the general assembly, to permit school districts to exchange
19 licensed instructional personnel with other districts in order
20 to promote the exchange and enhancement of instructional
21 methods and materials and encourage the educational development
22 of Iowa's teachers. The bill eliminates the provisions
23 relating to the teacher exchange program, including provisions
24 directing the state board to adopt rules to administer the
25 program, directing the director of the department of education
26 to administer the program, establishing the program, and
27 providing for participation in the program by school districts
28 and teachers.

29 2. PILOT PROJECTS TO IMPROVE INSTRUCTIONAL PROGRAMS. When
30 first enacted in 1987, the provision was part of a program
31 to offer incentives to school districts that established
32 pilot projects to utilize a modified block schedule for
33 offering classes in the districts and sharing the certificated
34 instructional personnel. Implementation by the department
35 of education is dependent on whether the general assembly

1 appropriates funding for the pilot projects.

2 3. SCHOOL BOARD ORGANIZATIONS. A provision that allows
3 school district board members and school administrators to
4 join, pay dues to, and participate in local, regional, and
5 national organizations which directly relate to the functions
6 of the board of directors. The language included reporting
7 requirements for the boards and for those organizations that
8 administer or distribute federal education grants and open
9 meetings and public records requirements.